

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF MICHIGAN  
SOUTHERN DIVISION

OPELTON PARKER, JR. and  
JULIETTE PARKER, as his legal guardian,

Plaintiffs,

Case No. 18-12038  
Hon. Matthew F. Leitman

v.

CITY OF HIGHLAND PARK, *et al.*,

Defendants.

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**ORDER DENYING PLAINTIFFS' PETITION FOR *EX PARTE* ORDER  
APPOINTING NEXT FRIEND (ECF #3) AS MOOT**

In this action, Plaintiff Opelton Parker, Jr. alleges that Defendant City of Highland Park and certain of its police officers violated his constitutional rights at a 2015 Jazz Festival. (*See* Compl., ECF #1.) Opelton is a “developmentally disabled adult.” (*Id.* at ¶7, Pg. ID 2.) His mother, Juliette Parker, is his “legal” and “appointed” guardian. (*Id.* at ¶¶ 6, 8, Pg. ID 2-3.)

On July 10, 2018, Juliette Parker filed a petition for an order appointing her as Opelton’s “next friend” pursuant to Federal Rule of Civil Procedure 17(c). (*See* ECF #3.) Rule 17(c)(1)(A) provides that a “general guardian” “may sue or defend on behalf of a minor or an incompetent person.” And “a parent is a guardian who may sue as a [minor or incompetent person’s] representative” without need for appointment as a “next friend.” *In Re Brooks*, 583 B.R. 443, 444-45 (W.D. Mich.

Bankr. 2018) (denying petition for next-friend status as “unnecessary” because parent “may sue on behalf of his minor daughter as her parent without resort to any appointment as next friend or guardian *ad litem*”). *See also Communities for Equity v. Michigan High School Athletic Ass’n*, 26 F.Supp.2d 1001, 1006 (W.D. Mich. 1998) (rejecting argument that because parents of plaintiffs were not appointed as “next friends” that they lacked standing to pursue claims on their child’s behalf); *S.E.S. v. Galena Unified School District No. 499*, 2018 WL 558059, at \*1 (D. Kan. Jan. 25, 2018) (denying motion for appointment of next friend as moot and holding that under Rule 17(c), mother of plaintiff “qualifie[d] as a general guardian who may sue on behalf a minor, with no need for a formal court appointment”).

Because Opelton is an incompetent person, and because Juliette Parker is Opelton’s legal guardian, pursuant to Rule 17(c)(1)(A), the Court need not appoint her as a “next friend” in order for her to prosecute this suit on Opelton’s behalf. The Court will therefore **DENY** her petition (ECF #3) as **MOOT**.

s/Matthew F. Leitman  
MATTHEW F. LEITMAN  
UNITED STATES DISTRICT JUDGE

Dated: August 1, 2018

I hereby certify that a copy of the foregoing document was served upon the parties and/or counsel of record on August 1, 2018, by electronic means and/or ordinary mail.

s/Holly A. Monda  
Case Manager  
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